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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,602	12/08/1999	FLORENCE C.I. PAGAN	NOMDX.011A2	9056
20995 7590 01/25/2010 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER				
DADA, BEEMNET W				
ART UNIT		PAPER NUMBER		
2435				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
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Office Action Summary

Application No.

09/458,602

Applicant(s)

PAGAN ET AL.

Examiner

BEEMNET W. DADA

Art Unit

2435

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-9 and 11-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-9 and 11-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/ISA/C3)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/13/09 and 11/25/09 has been entered. Claims 1, 3, 4, 6-9, 16-18, 20, 22 and 24 have been amended and new claims 25-43 have been added. Claims 1, 3, 4, 6-9 and 11-43 are pending.

Response to Arguments

Applicant's arguments with respect to claims 1, 3, 4, 6-9 and 11-43 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7, 9, 10, 12, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doidge et al. US 6,064,674 [hereinafter Doidge] in view of Zhang et al. US 6,253,327 B1 [hereinafter Zhang].

As per claims 1, 9, and 18, Doidge teaches a method for authorizing, a portable communication device to access a destination network, wherein the portable communication has access to a home network through home network settings computers that are incompatible with the destination network, and wherein the portable communication device can access the destination network without altering the home network settings, comprising:

receiving at a gateway device an initial request from a portable communication device for access to the destination network [column 6, lines 1-5];

identifying at the gateway device an attribute associated with the portable communication device based upon information contained in a packet received by the gateway device, wherein the attribute comprises an indication of a location comprising a port, circuit ID, VLAN ID or MAC address from which the request was received wherein the packet is transmitted from the portable communication device wherein the portable communication device remains configured for accessing the home network, and wherein no additional configuration software need be installed on the portable communication device the to access the destination network and any other network (i.e., MAC address, column 5, lines 54-column 6, lines 6);

determining if the portable communication device is entitled to access the destination network based upon the indication of the location [column 6, lines 1-14].

Doidge is silent on accessing a user profile indicative of one or more aspects of corresponding the portable communication device, the user profile stored in a user profile database, where the user profile is accessed based upon the attribute associated with the portable communication device server.

Zhang teaches a system including accessing a user profile indicative of one or more aspects of corresponding the portable communication device, the user profile stored in a user profile database [column 7, lines 12-17], where the user profile is accessed based upon the

attribute associated with the portable communication device server determining if the portable communication device is entitled to access the destination network based upon the indication of the location data comprised in the combination of user profile and the indication of the location [column 7, lines 12-17]. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of Zhang within the system of Doidge in order to enhance the security of the system.

As per claims 7 and 11, Zhang discloses a system wherein determining if the user is entitled to access the destination network further comprises denying the user access where the user profile indicates that the user is denied access (fig. 5 in combination with column 7 lines 25-30).

As per claim 10, Zhang does not expressly disclose a system wherein the attribute associated, with the user is based upon a VLAN ID assigned to the location from which the request for access to the destination address was transmitted (column 7, lines 12-30).

As per claim 12, Zhang discloses a system wherein the AAA server is located within the gateway device. The Authentication, Authorization and Accounting server is located within the device that contains the SSG therefore the whole unit would work as a gateway device (Fig. 4).

As per claim 13, Zhang discloses a system wherein the user profile database includes a plurality of user profiles, wherein each respective user profile of the plurality of user profiles contains access information (column 7 lines 12-17). Zhang discloses the user profiles and

therefore a plurality of user profiles are stored. The profiles are also unique to the user and are used for authentication therefore they are used for access information.

As per claim 14, Zhang discloses a system wherein the user profile database is located within the AAA server (column 7 lines 12-17).

As per claims 16 and 17, Zhang discloses the system further including requirements for the received packet based on information within the received packet, wherein determining if the user is entitled to access the destination network further comprises basing the determination also on the determined authentication requirements (column 7, lines 7-25).

As per claims 19, 21 and 23, Doidge further teaches the method wherein identifying the attribute further comprises determining the location based on a combination of two or more of the port, the circuit ID, the VLAN ID, and the MAC address [column 6-1-15].

As per claims 20, 22 and 24, Zhang further teaches the method wherein determining if the user is entitled to access the destination network is also based upon dynamic information determined by a provider of the destination network [Column 7, lines 12-17].

Claims 3-4, 6, 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doidge in view of Zhang and further in view of Lim et al (6,434,619 B1).

In reference to claim 3, wherein the user database is updated when a new user accesses the destination network.

The combination of Doidge and Zhang does not expressly disclose a system wherein the database is updated when a new user accesses the destination network

Lim discloses a system in which the database is maintained (column 4 lines 36-38), therefore when there is a new user the database would be updated, since updating is a part of maintaining.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to maintain the database for new users as the method of Lim within in the system of Doidge and Zhang. One of ordinary skill in the art would have been motivated to do this because this would enable the system to increase the number of user's when the amount of memory allows.

As per claim 4, wherein a historical log of the user's access to the destination network is maintained in the user profile.

The combination of Doidge Zhang does not expressly disclose a historical log of the user's access to the destination network being maintained in the user profile.

Lim discloses a log kept of the time and date when the user accessed their account on the network (column 7 lines 27-38).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to maintain a historical log of the user's access to the destination network as in the method by Lim within in the system of Doidge and Zhang. One of ordinary skill in the art would have been motivated to do this because it would assist in keeping track of user activity.

As per claim 15, Zhang teaches the system wherein each respective user profile contains historical data relating to the duration of destination network access for use in determining the charges due for the destination network access (column 7 lines 27-38).

As per claim 6, Doidge-Zhang does not expressly disclose a system wherein receiving at the gateway device a request from a user for access comprises the step of receiving an Internet destination address from the user.

Lim discloses a system that includes the domain of the destination server. This is equivalent to the Internet destination address.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to receive the Internet destination address as in the method disclosed by Lim at the gateway device of the system disclosed by Doidge and Zhang. One of ordinary skill in the art would have been motivated to do this because the Internet destination address is used to determine which network the user is gaining access to.

As per claim 8, Doidge-Zhang does not expressly disclose a system wherein determining if the user is entitled to access the destination network further comprises directing the user to a login page where the user profile is not located within the user profile database. Lim discloses a system wherein determining if the user is entitled to access the destination network further comprises directing the user to a login page where the user profile is not located within the user profile database (Lim, column 4 lines 19-24 in combination with column 4 lines 36-38).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to maintain a historical log of the user's access to the destination network as in the

method by Lim in the system by Doidge and Zhang. One of ordinary skill in the art would have been motivated to do this because it would assist in keeping track of user activity.

Claims 25-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doidge in view of Zhang and further in view of Levergood et al. US 5,708,780 [hereinafter Levergood].

As per claims 25-36, the combination of Doidge and Zhang teaches the claim limitations as indicated above. In the same field of endeavor, Levergood teaches an access system including redirecting a portable communication device to a predetermined network location, different from a network location requested by the portable communication device, if it is determined that the portable communication device is not entitled to access the requested destination network [column 5, line 65-column 6, line 4 and column 6, lines 24-66]. It would have been obvious to one having ordinary skill in the art at the time of applicants invention to employ the teachings of Levergood within the system of Doidge and Zhang in order to enhance the security of the system.

Claims 37-39, 40 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doidge in view of Levergood et al. US 5,708,780 [hereinafter Levergood].

As per claims 37-39, 40 and 43, Doidge teaches a method for authorizing a portable communication device to access a destination network, wherein the portable communication device has access to a home network through home network settings that are incompatible with the destination network, and wherein the portable communication device can access the destination network without altering the home network settings, comprising:

receiving at a gateway device a destination address request from a portable communication device for access to a destination address residing on a destination network [column 6, lines 1-5];

determining if the portable communication device is entitled to access the destination address based upon information contained in the destination address request received by the gateway device, wherein the portable communication device remains configured for accessing the home network, and wherein no additional configuration software need be installed on the portable communication device to access the destination network and any other network [column 6, lines 1-14].

In the same field of endeavor, Levergood teaches an access control system, including, if it is determined that the portable communication device is not entitled to access a destination address [column 5, line 65-column 6, line 4]:

storing the destination address request; modifying, at the gateway device, the destination address request and communicating the modified request to a redirection server [column 5, line 65-column 6, line 4 and column 6, lines 24-66];

responding, at the redirection server, to the modified request with a browser redirect message that reassigns the modified request to an administrator-specified, redirected destination address [column 5, line 65-column 6, line 4 and column 6, lines 24-66];

receiving, at the gateway device, the browser redirect message and modifying it with the stored original destination address [column 5, line 65-column 6, line 4 and column 6, lines 24-66]; and

sending the modified browser redirect message to the computer, which automatically redirects the computer to the redirected destination address [column 5, line 65-column 6, line 4 and column 6, lines 24-66]. It would have been obvious to one having ordinary skill in the art at

the time of applicants invention to employ the teachings of Levergood within the system of Doidge in order to enhance the security of the system.

Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doidge in view of Levergood et al. US 5,708,780 [hereinafter Levergood] and further in view of Zhang et al. US 6,253,327 B1 [hereinafter Zhang].

As per claims 41 and 42, the combination of Doidge and Levergood teaches the system as indicated above. Furthermore, Zhang teaches a system including an Authentication, Authorization and Accounting (AAA) server in communication with a gateway device and user profile database, the AAA server determines if the portable communication device is entitled to access the original destination address requests based upon the user-access information stored within the user profile database [column 7, lines 7-25]. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of Zhang within the system of Doidge and Levergood in order to enhance the security of the system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BEEMNET W. DADA whose telephone number is (571)272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Beemnet W Dada/
Primary Examiner, Art Unit 2435
January 14, 2010